

# Exhibit 4

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**UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF ILLINOIS, EASTERN DIVISION**

**FATIMAH TOTTEN,** )  
**Plaintiff,** )  
**-vs-** ) **No. 1:20-cv-06107**  
**BENEDICTINE UNIVERSITY,** )  
**Defendant.** )

**The discovery deposition of  
ERICA PADISH-HOEBING, called by the plaintiff  
for examination, taken pursuant to the Federal  
Rules of Civil Procedure of the United States  
District Courts pertaining to the taking of  
depositions, taken before CARLA P. LETELLIER, a  
C.S.R. and Registered Professional Reporter  
within and for the County of Lake, State of  
Illinois, taken via Zoom conference, commencing  
at the hour of approximately 10:00 a.m. on the  
2nd day of March 2023.**

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16 (Pages 58 to 61)

<p style="text-align: right;">58</p> <p>1 right?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And you write to Ms. [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED] " Do you see</p> <p>6 that?</p> <p>7 A. Uh-huh.</p> <p>8 Q. Whose Title IX complaint are you</p> <p>9 referring to there?</p> <p>10 A. I don't know whose Title IX complaint.</p> <p>11 Q. Is the Title IX complaint that you</p> <p>12 refer to there a different Title IX complaint</p> <p>13 than the one that you referred to in your</p> <p>14 email to Clare [REDACTED]?</p> <p>15 A. No, it was the same. It was the same</p> <p>16 investigation. I just don't recall who filed</p> <p>17 the complaint.</p> <p>18 Q. So only one student filed a Title IX</p> <p>19 complaint against Marquis Dixon?</p> <p>20 A. I don't recall. I think so, yeah.</p> <p>21 Q. Do you know whether only one student</p> <p>22 made a complaint against Marquis Dixon?</p> <p>23 A. I don't recall.</p> <p>24 Q. Do you know whether two students made</p>	<p style="text-align: right;">60</p> <p>1 Q. Did you provide Tecianna with</p> <p>2 information about Benedictine's Title IX</p> <p>3 policy in this email?</p> <p>4 A. Every student was informed of the</p> <p>5 Title IX policy. I didn't -- this is the email</p> <p>6 that they all received information at the</p> <p>7 beginning of the year. They were so informed.</p> <p>8 Q. Thank you. My question is a little</p> <p>9 different.</p> <p>10 Did you provide Tecianna with a</p> <p>11 copy of Benedictine's Title IX policy in this</p> <p>12 email?</p> <p>13 A. There'd be no reason to, so no.</p> <p>14 Q. So you did not provide a copy of --</p> <p>15 A. In this email?</p> <p>16 Q. (Continuing.) -- the Title IX</p> <p>17 policy -- well, let me just get my question</p> <p>18 out so we've got a nice, clean record here.</p> <p>19 So let me just ask one more time.</p> <p>20 So you did not attach a copy of</p> <p>21 Benedictine's Title IX policy to this email to</p> <p>22 Tecianna --</p> <p>23 A. Not to this email.</p> <p>24 Q. Did you ever attach a copy of</p>
<p style="text-align: right;">59</p> <p>1 a Title IX complaint against Marquis Dixon?</p> <p>2 A. I think it was indicated there's more</p> <p>3 than one, but I don't know.</p> <p>4 Q. Where would it be indicated if there</p> <p>5 was more than one Title IX complaint against</p> <p>6 Marquis Dixon?</p> <p>7 A. I don't know. Somewhere in my notes.</p> <p>8 I don't know. I don't recall.</p> <p>9 Q. Okay. Why did you want to interview</p> <p>10 Ms. [REDACTED] as part of your Title IX</p> <p>11 investigation?</p> <p>12 A. I assume that she was -- someone</p> <p>13 mentioned her.</p> <p>14 Q. I think you said I assume that</p> <p>15 someone mentioned her, do you know why --</p> <p>16 A. No.</p> <p>17 Q. (Continuing.) -- you wanted to</p> <p>18 interview Ms. [REDACTED] as part of your Title IX</p> <p>19 investigation?</p> <p>20 A. She must have been involved in some</p> <p>21 way, but that's all I know.</p> <p>22 Q. But you can't remember anything about</p> <p>23 why she was involved or how she was involved?</p> <p>24 A. No.</p>	<p style="text-align: right;">61</p> <p>1 Benedictine's Title IX policy to an email to</p> <p>2 Tecianna?</p> <p>3 MR. FRAMBES: Objection --</p> <p>4 THE WITNESS: Go ahead.</p> <p>5 MR. FRAMBES: I'm sorry.</p> <p>6 I just said objection, asked and</p> <p>7 answered.</p> <p>8 Erica, go ahead.</p> <p>9 BY THE WITNESS:</p> <p>10 A. Okay. Every student received a copy</p> <p>11 of the Title IX policies and procedures at the</p> <p>12 beginning of the school year; so yes, I had</p> <p>13 provided her with it before. Not in this email,</p> <p>14 though.</p> <p>15 BY MS. GALKA:</p> <p>16 Q. My question is just a little</p> <p>17 different.</p> <p>18 So did you ever email Tecianna</p> <p>19 with a copy of Benedictine's Title IX policy?</p> <p>20 A. Yes. I emailed every student in the</p> <p>21 university a copy of the Title IX policy every</p> <p>22 year, yes.</p> <p>23 Q. And so you just assumed that because</p> <p>24 Tecianna was a student that she got an email</p>

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17 (Pages 62 to 65)

<p style="text-align: right;">62</p> <p>1 from you?</p> <p>2 MR. FRAMBES: Objection. Misstates</p> <p>3 testimony.</p> <p>4 BY THE WITNESS:</p> <p>5 A. Well, she did get one. She was a</p> <p>6 student, so yes.</p> <p>7 BY MS. GALKA:</p> <p>8 Q. You know for a fact that Tecianna</p> <p>9 received an email from you attaching</p> <p>10 Benedictine's Title IX policy?</p> <p>11 A. Yeah, I sent it to her student email.</p> <p>12 Q. When did you send it to her student</p> <p>13 email?</p> <p>14 A. I sent it to every student at the</p> <p>15 beginning of the year.</p> <p>16 Q. Do you recall what day you sent it to</p> <p>17 Tecianna?</p> <p>18 A. I don't recall the day, no.</p> <p>19 Q. How do you know that Tecianna</p> <p>20 received an email from you?</p> <p>21 A. Because I know that I sent it out to</p> <p>22 every student. And they all had to have</p> <p>23 received it and perform the training. And I</p> <p>24 would have a list of all the students that</p>	<p style="text-align: right;">64</p> <p>1 recall what was said in the meeting. I just</p> <p>2 recall meeting her.</p> <p>3 Q. Okay. So you have no independent</p> <p>4 recollection of what Tecianna told you in that</p> <p>5 meeting?</p> <p>6 A. No, I don't.</p> <p>7 Q. Do you know what you told Tecianna in</p> <p>8 that meeting?</p> <p>9 A. No.</p> <p>10 Q. All right. Let me take that down.</p> <p>11 Did you take notes during your</p> <p>12 February 2018 meeting with Tecianna.</p> <p>13 A. I believe so, yes.</p> <p>14 Q. Let me switch back to your notes.</p> <p>15 All right. So we're back to Exhibit 2 here.</p> <p>16 A. Okay.</p> <p>17 Q. And we're on page 14.</p> <p>18 Are these your notes from your</p> <p>19 in-person meeting with Tecianna [REDACTED]?</p> <p>20 A. It looks like it, yeah.</p> <p>21 Q. And in parentheses next to Tecianna</p> <p>22 you write, [REDACTED] Do you see that?</p> <p>23 A. Uh-huh.</p> <p>24 Q. What does that mean?</p>
<p style="text-align: right;">63</p> <p>1 completed the training. So I knew who received</p> <p>2 it and it was sent out to every student.</p> <p>3 Q. Turning back to our exhibit here,</p> <p>4 this February 19, 2018 email, did you in this</p> <p>5 email inform Tecianna of resources available</p> <p>6 for sexual assault survivors on Benedictine's</p> <p>7 campus?</p> <p>8 A. No, I mean, this is my email, so this</p> <p>9 is whatever I said to her.</p> <p>10 Q. Okay. And then moving forward in</p> <p>11 time in this email chain, you don't have to</p> <p>12 read it all, but it looks like you did set up</p> <p>13 a meeting with Tecianna; is that right?</p> <p>14 A. I'm assuming so, yeah.</p> <p>15 Q. Did you meet with Tecianna in</p> <p>16 connection to a Title IX complaint?</p> <p>17 A. I believe I did.</p> <p>18 Q. Do you know if you met with Tecianna</p> <p>19 in connection to a Title IX complaint?</p> <p>20 A. I recall meeting with her in person,</p> <p>21 yeah.</p> <p>22 Q. What do you recall Tecianna telling</p> <p>23 you in that meeting?</p> <p>24 A. Whatever is in my notes. I don't</p>	<p style="text-align: right;">65</p> <p>1 A. I don't recall. Possibly victim slash</p> <p>2 witness. I don't know.</p> <p>3 Q. Okay. Your next note says, "[REDACTED]"</p> <p>4 "[REDACTED]".</p> <p>5 Do you see that?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Who is M?</p> <p>8 A. I'm assuming Marquis, but I'm not</p> <p>9 really -- I'm not -- I think that's who it is.</p> <p>10 Q. Do you know if the M refers to</p> <p>11 Marquis?</p> <p>12 A. I don't know who else it would be,</p> <p>13 so -- I would think that's him.</p> <p>14 Q. So you know that it was Marquis that</p> <p>15 you're referring to with the M?</p> <p>16 A. I don't know who else it would be so I</p> <p>17 assume that that's him.</p> <p>18 Q. But my question is, do you know that</p> <p>19 the M there refers to Marquis?</p> <p>20 A. It was so long ago and I -- yes, I'll</p> <p>21 say yes, but like I -- I don't know who else it</p> <p>22 would be referring to, so yes.</p> <p>23 Q. Okay. And then this next note, I'm</p> <p>24 kind of skipping down one, it says, "[REDACTED]"</p>



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20 (Pages 74 to 77)

<p style="text-align: right;">74</p> <p>1 make -- I don't know.</p> <p>2 Q. Okay. Do you know --</p> <p>3 A. He said do what you're going to do.</p> <p>4 It wasn't meant to happen.</p> <p>5 Q. Returning to this first dashed note</p> <p>6 here, do you know who the he is when you wrote</p> <p>7 he there?</p> <p>8 A. No, because it says, "[REDACTED]"</p> <p>9 "[REDACTED]"</p> <p>10 "[REDACTED]"</p> <p>11 I mean, I would assume this is</p> <p>12 Marquis, because that's who this whole</p> <p>13 investigation is about, so...</p> <p>14 Q. Do you know that you were referring</p> <p>15 to Marquis there?</p> <p>16 A. I don't who know who else I would be</p> <p>17 referring to, so I know that you need an</p> <p>18 definitive answer, but I -- I don't recall this</p> <p>19 interview and I assume that's who it was.</p> <p>20 Q. So you don't know for sure that you</p> <p>21 were referring to Marquis Dixon in those</p> <p>22 notes; right?</p> <p>23 A. I would -- I would say it's him,</p> <p>24 yeah. I mean, there's no one else it would be</p>	<p style="text-align: right;">76</p> <p>1 do that so no one was left in the dark. I would</p> <p>2 tell them what to expect so they weren't anxious</p> <p>3 or left unknowing, so I most likely did.</p> <p>4 Q. But you don't know whether or not you</p> <p>5 did?</p> <p>6 A. I don't remember the exact</p> <p>7 conversation but that was my practice.</p> <p>8 Q. Okay. Just to sort of speed this up</p> <p>9 here. Is it a fair summary of your testimony</p> <p>10 that you don't remember anything that was said</p> <p>11 in your meetings with Tecianna [REDACTED]?</p> <p>12 A. That's fair to say, yeah, I don't</p> <p>13 remember. I don't recall the conversation.</p> <p>14 Q. Okay. And is it a fair summary of</p> <p>15 your testimony that you don't know anything</p> <p>16 that was said in your meeting with Clare</p> <p>17 [REDACTED]?</p> <p>18 A. I don't recall the conversation.</p> <p>19 Q. Okay. And then lastly, is it fair to</p> <p>20 say that you don't know anything that was</p> <p>21 discussed during your meeting with Brittani</p> <p>22 [REDACTED]?</p> <p>23 A. That's what I'm saying, yeah, I don't</p> <p>24 recall.</p>
<p style="text-align: right;">75</p> <p>1 about.</p> <p>2 Q. So you do know that you're referring</p> <p>3 to Marquis Dixon there?</p> <p>4 A. Yeah.</p> <p>5 Q. Okay. And then this last note says,</p> <p>6 "[REDACTED]"</p> <p>7 Do you see that?</p> <p>8 A. Yeah.</p> <p>9 Q. What does that note mean?</p> <p>10 A. I couldn't put it into context for</p> <p>11 you. I typically just wrote a few things that I</p> <p>12 heard in my interviews so I don't know.</p> <p>13 Q. Do you know if [REDACTED] told you she</p> <p>14 didn't want it to happen to anyone else?</p> <p>15 A. I don't know.</p> <p>16 Q. Do you know what the it is in that</p> <p>17 sentence?</p> <p>18 A. I don't.</p> <p>19 Q. Okay. At your meetings with</p> <p>20 Tecianna -- actually, let me strike that.</p> <p>21 At your last meeting with</p> <p>22 Tecianna in person, did you tell her what the</p> <p>23 next steps of your investigation would be?</p> <p>24 A. That was typically my practice is to</p>	<p style="text-align: right;">77</p> <p>1 Q. Okay. Did Brittani [REDACTED] ever put a</p> <p>2 statement related to this Title IX</p> <p>3 investigation in writing?</p> <p>4 A. Not that I recall and I didn't</p> <p>5 remember seeing that in my notes.</p> <p>6 Q. Okay. Did you ever write up a</p> <p>7 statement for Brittani [REDACTED] to sign based on</p> <p>8 your interview with her?</p> <p>9 A. Yeah, I would have written up a</p> <p>10 summary of everyone's interview and then they</p> <p>11 signed it and then we'd go over it together.</p> <p>12 Q. I think you said would have there, so</p> <p>13 just to follow up: Did you write up a summary</p> <p>14 of what Brittani said?</p> <p>15 A. Yeah. And I don't -- I don't know why</p> <p>16 we can't find the actual report, but every time</p> <p>17 I would do an interview with a student, I would</p> <p>18 type up a summary of our interview and I'd have</p> <p>19 them come in to make sure I got everything</p> <p>20 right, and then they would sign it. And that</p> <p>21 would be part of my -- my final report.</p> <p>22 Q. Would there be email correspondence</p> <p>23 showing you giving it to Brittani --</p> <p>24 A. Should be, yeah.</p>

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21 (Pages 78 to 81)

<p style="text-align: right;">78</p> <p>1 Q. Sorry, let me just finish my whole 2 question.</p> <p>3 So would there be email 4 correspondence showing you sending Brittani 5 her statement for her to review and approve?</p> <p>6 A. Yes.</p> <p>7 Q. Have you looked for that email 8 correspondence?</p> <p>9 A. No.</p> <p>10 Q. Do you have any reason to believe 11 that Benedictine would have destroyed that 12 email correspondence?</p> <p>13 A. No. I think they went through a 14 couple IT people since I was gone. I know in 15 the short time I was there, we went through 16 quite a few IT people and IT companies because I 17 reviewed the contracts. So I can understand how 18 that might have gotten lost in limbo, but I have 19 no reason to look for it but I have no reason to 20 doubt that it's not there.</p> <p>21 Q. What did the written statement that 22 you provided to Brittani [REDACTED] for her review 23 and approval, what did it say?</p> <p>24 A. It would have just been a summary of</p>	<p style="text-align: right;">80</p> <p>1 no reason why something else that's not in my 2 handwritten notes would be put into one of the 3 statements.</p> <p>4 Q. Did Clare [REDACTED] provide a written 5 statement concerning a -- this Title IX 6 investigation?</p> <p>7 A. Since there's handwritten notes from 8 her and I did an interview, yeah, and it would 9 have -- her statement would have been the same 10 thing, just a summary of my notes.</p> <p>11 Q. Do you know that you sent to Clare a 12 statement for her to review and approve?</p> <p>13 A. It's what I did after every interview. 14 If I interviewed someone, then I would make a 15 summary of their interview and I would sign it.</p> <p>16 Q. Do you know that you did that for 17 Clare [REDACTED]?</p> <p>18 A. Yeah. Yeah, I would have done that 19 since I had the notes.</p> <p>20 Q. How do you know that you did that?</p> <p>21 A. It was my practice.</p> <p>22 Q. Do you remember sending Clare [REDACTED] 23 her statement for review?</p> <p>24 A. I don't recall sending her the email,</p>
<p style="text-align: right;">79</p> <p>1 the handwritten notes that I had. I would just 2 go off of those and then just do a summary.</p> <p>3 Q. Do you remember what she told you 4 that you would have put in that statement?</p> <p>5 A. Nothing other than what's in the 6 handwritten notes.</p> <p>7 Q. So are you telling me that if 8 something that Brittani told you didn't make 9 it into your handwritten notes, that it would 10 not have made it into her statement?</p> <p>11 A. That is correct, yeah.</p> <p>12 Q. Okay. Do you know that for sure or 13 is that just your assumption based on your 14 practice?</p> <p>15 A. I know it for sure.</p> <p>16 Q. Have you seen recently the statement 17 that you provided to Brittani [REDACTED]?</p> <p>18 A. No.</p> <p>19 Q. And when is last time that you would 20 have seen that statement?</p> <p>21 A. It would have been years ago. That's 22 just how I did it. I would do all of my 23 interviews and then I would do the final report 24 for it all at the same time. So there would be</p>	<p style="text-align: right;">81</p> <p>1 I mean, it was so long ago, but I know my 2 practice and I know how I did my job and that's 3 what I did.</p> <p>4 Q. So you -- I'm sorry, go ahead.</p> <p>5 A. That's as clear as I can be and as 6 much as I know.</p> <p>7 Q. Yeah. And just so that I'm clear 8 and we've got a clear record, do you know for 9 certain that you sent Claire [REDACTED] a 10 statement for her to review?</p> <p>11 A. I don't know for certain. I just know 12 that that's my practice.</p> <p>13 Q. Okay. Did you send Tecianna [REDACTED] a 14 statement related to the interview that she 15 gave to you for her to review?</p> <p>16 A. With her, I'm sure I would have 17 especially because I had her written as victim 18 in one of the interviews. So yes, I can say 19 with certainty I sent it to her.</p> <p>20 Q. When did you send that to her?</p> <p>21 A. I don't recall.</p> <p>22 Q. Well, would that have been an email 23 to Tecianna [REDACTED]?</p> <p>24 A. Yes.</p>

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22 (Pages 82 to 85)

<p style="text-align: right;">82</p> <p>1 Q. Did you look for that email prior to 2 your deposition today?</p> <p>3 A. No, I have no access to my Benedictine 4 email.</p> <p>5 Q. Do you have any reason to believe 6 that Benedictine would have destroyed that 7 email?</p> <p>8 A. No.</p> <p>9 Q. Okay. Did you send Marquis Dixon a 10 statement for him to review and approve?</p> <p>11 A. I'm sure I would have, yes.</p> <p>12 Q. Do you know for certain that you sent 13 him a statement for him to review and approve?</p> <p>14 A. Yes.</p> <p>15 Q. When did you send that statement?</p> <p>16 A. I don't recall.</p> <p>17 Q. How do you know that you for sure 18 sent him a statement to review and approve?</p> <p>19 A. Because it would have been part of the 20 final report, and I wouldn't submit a final 21 report without the victim -- or like without at 22 least his interview statement. That's -- I just 23 wouldn't have submitted that because -- I 24 couldn't have.</p>	<p style="text-align: right;">84</p> <p>1 A. I don't know for certain, but it's 2 what I did for -- I mean -- I'm an attorney so 3 it's hard for me to say with certainty, but that 4 was my practice. Every time a student even got 5 accused of it, I figured there was some reason 6 that we needed to just do some extra training. 7 So there's no reason I wouldn't have.</p> <p>8 Q. Do you have a specific memory of 9 telling Marquis Dixon that he had to take 10 additional training?</p> <p>11 A. I don't have a specific memory of 12 that.</p> <p>13 Q. Okay. For the students for whom you 14 sent written statements to for their approval, 15 would they have sent those statements back to 16 you with their signature?</p> <p>17 A. Yeah. I think they were either sent 18 back or they dropped them off at my office.</p> <p>19 Q. Where would you take those 20 statements?</p> <p>21 A. In the file associated with the 22 investigation.</p> <p>23 Q. What type of file did you keep for 24 this Title IX investigation?</p>
<p style="text-align: right;">83</p> <p>1 Q. Did Marquis Dixon receive any 2 sanctions as a result of the February 2018 3 Title IX investigation?</p> <p>4 A. I don't recall because I don't recall 5 the final report, but my practice was, even if 6 they weren't found guilty of any violations of 7 the student code, they still received extra 8 training via an online training program.</p> <p>9 And so even if they were accused of 10 it, I would require them to complete an extra 11 online training program. And that I would 12 contact the online training people and they 13 would unlock a separate portal for these 14 students.</p> <p>15 So even if he wasn't found guilty, 16 he would have had to complete that.</p> <p>17 Q. And are you saying that because 18 that's your practice or do you remember 19 telling Marquis Dixon that he had to take 20 additional training?</p> <p>21 A. That was my practice. That's what I 22 did for every case.</p> <p>23 Q. So do you know for certain that you 24 made Marquis Dixon take additional training?</p>	<p style="text-align: right;">85</p> <p>1 A. I know I had a hard copy. I think -- 2 I may have scanned things in as well, but I know 3 I kept everything in hard copy.</p> <p>4 Q. And so was the hard copy file sort of 5 like a folder with documents in it?</p> <p>6 A. Yeah.</p> <p>7 Q. Okay. And you don't know if you kept 8 an electronic file?</p> <p>9 A. I don't -- I don't recall.</p> <p>10 Q. What are the documents that you kept 11 in the hard copy file related to this Title IX 12 investigation?</p> <p>13 A. I would have kept the summary of 14 interviews, my handwritten notes, and then the 15 report final, and then if there was any police 16 reports.</p> <p>17 Q. Where did you keep that physical 18 file?</p> <p>19 A. In a file cabinet in my office.</p> <p>20 Q. When you left Benedictine, what 21 happened to that file?</p> <p>22 A. I think Tammy Sarver had everything. 23 Nancy was in control of my office so that was 24 the contracting compliance office. So there was</p>

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23 (Pages 86 to 89)

<p style="text-align: right;">86</p> <p>1 just three offices in one larger office in the 2 union. 3 And so Nancy had control of it and I 4 think she gave it over to Tammy. 5 Q. Okay. So you didn't take that file 6 with you to Arizona -- 7 A. No. 8 Q. (Continuing.) -- right? Okay. 9 A. No. 10 Q. Did you give the file to Nancy before 11 you left or did you leave it in the file 12 cabinet? 13 A. I just left it in the file cabinet. 14 Q. Okay. And I think you've testified 15 that there was a final Title IX report related 16 to the February 2018 Title IX investigation of 17 Marquis Dixon? 18 A. Yes. 19 Q. Where is that final Title IX report? 20 A. I don't know. I would have emailed it 21 to Marco and the president and then had a hard 22 copy in -- Nancy, I think. I don't know where 23 it's at. 24 Q. Do you know for sure that you wrote a</p>	<p style="text-align: right;">88</p> <p>1 that. 2 Q. So your basis for saying that you 3 think it was unfounded is that there was no 4 summary in your notes? Is that about right? 5 A. Yes, and I don't remember having this 6 as a founded. 7 Q. Okay. So you don't know one way or 8 another whether you found Marquis Dixon 9 responsible in connection with the Title IX 10 complaint? 11 MR. FRAMBES: Objection. Misstates 12 testimony. 13 BY THE WITNESS: 14 A. I don't recall having this as a 15 founded complaint, so... 16 BY MS. GALKA: 17 Q. Do you recall having it as an 18 unfounded complaint? 19 A. I don't recall. 20 Q. So you don't recall one way or the 21 other what the conclusion was in the final 22 Title IX report concerning Marquis Dixon? 23 A. I believe it was unfounded based on my 24 handwritten notes and my dim recollection of</p>
<p style="text-align: right;">87</p> <p>1 final Title IX report related to the Title -- 2 A. Yes. 3 Q. (Continuing.) -- IX investigation? 4 And let me just get my full 5 question out. 6 So do you know for sure that you 7 wrote up the final Title IX report related to 8 the Title IX investigation of Marquis Dixon? 9 A. Yes. 10 Q. What did that final Title IX report 11 say? 12 A. I don't recall. I don't recall. 13 Q. Do you know what any of the 14 conclusions in the final Title IX report were? 15 A. I think it was unfounded, but I don't 16 recall summaries, I don't recall -- I mean, 17 based on my handwritten notes, I believe it was 18 unfounded. 19 Q. What in your handwritten notes makes 20 you believe that it was unfounded? 21 A. Because I don't have a final page 22 explaining -- like, I would typically write out 23 a summary if I was going to have a founded 24 finding. There is nothing here that indicates</p>	<p style="text-align: right;">89</p> <p>1 interviews and the investigation. 2 Q. I think you said "believe" there. 3 Do you know that your finding was 4 that he was not responsible for whatever the 5 person complained of in the Title IX 6 complaint? 7 A. Yes, he was -- it was unfounded. I 8 just don't know what I had him do after the 9 fact, but -- yes. 10 Q. Well, what are you looking at there, 11 Ms. -- 12 A. I was looking at my handwritten notes 13 and the police report. And nothing in my notes 14 indicates that I had this as a founded 15 complaint. 16 And I recall doing a thorough 17 investigation, especially with the black student 18 union, there was a big issue with that, and 19 talking to their mentor and their -- the head of 20 the black student union and kind of dotting of 21 my I's and crossing of my T's, and I do remember 22 it was lengthy investigation and I'm telling you 23 I think it was unfounded. I don't have the 24 report in front of me, but that's what I</p>



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25 (Pages 94 to 97)

<p style="text-align: right;">94</p> <p>1 Dixon?</p> <p>2 A. I would have recommended, like I said,</p> <p>3 I recommended for all students that I had to do</p> <p>4 investigations for, extra training. I don't</p> <p>5 recall what I had for him.</p> <p>6 Q. And I believe you said that you sent</p> <p>7 the final Title IX report via email to Marco</p> <p>8 Masini; is that right?</p> <p>9 A. Yeah. So Marco would sign off on it</p> <p>10 and then we'd send it to president Brophy.</p> <p>11 Q. Did Marco Masini sign off on your</p> <p>12 final Title IX report related to this</p> <p>13 investigation?</p> <p>14 A. Yes, he would have.</p> <p>15 Q. Do you know for sure that he did?</p> <p>16 A. Yes.</p> <p>17 Q. How do you know that?</p> <p>18 A. Because he didn't sign -- he'd never</p> <p>19 not signed off on any of my investigations.</p> <p>20 Q. Do you know for sure that he signed</p> <p>21 off on this Title IX investigation?</p> <p>22 A. Yes, because he never not signed off</p> <p>23 on any of my investigations.</p> <p>24 Q. Are you saying that you know that he</p>	<p style="text-align: right;">96</p> <p>1 Q. Okay. So you're sure that he signed</p> <p>2 off but you don't remember --</p> <p>3 A. Yeah.</p> <p>4 Q. (Continuing.) -- when he signed</p> <p>5 off --</p> <p>6 A. Yes.</p> <p>7 Q. Let me just ask a fresh question.</p> <p>8 You're sure that he signed off on</p> <p>9 your final Title IX report, but you don't know</p> <p>10 how he signed off?</p> <p>11 A. Yeah, that's correct.</p> <p>12 MS. GALKA: Okay. Carter and</p> <p>13 Ms. Padish-Hoebing, I want to take another</p> <p>14 break. I think it will help me to kind of</p> <p>15 tighten up what I have left so we can get moving</p> <p>16 a little quicker. Is that all right?</p> <p>17 MR. FRAMBES: Yeah, that's fine. Do</p> <p>18 you want ten minutes?</p> <p>19 MS. GALKA: Ten is good. Yeah,</p> <p>20 thanks.</p> <p>21 THE WITNESS: Okay.</p> <p>22 (Recess taken.)</p> <p>23 BY MS. GALKA:</p> <p>24 Q. I think that you testified that the</p>
<p style="text-align: right;">95</p> <p>1 signed off because he always signed off, or do</p> <p>2 you have a specific memory of him signing off</p> <p>3 on this Title IX investigation?</p> <p>4 A. It's specific because he never didn't</p> <p>5 sign off.</p> <p>6 Q. Did the president of Benedictine sign</p> <p>7 off on your Title IX report --</p> <p>8 A. Yes.</p> <p>9 Q. (Continuing.) -- and investigation?</p> <p>10 A. Uh-huh.</p> <p>11 Q. Where would he have signed off on it?</p> <p>12 A. I don't recall exactly how he sent it</p> <p>13 out, but I think he would send it to the student</p> <p>14 or he would send me an email approving it or</p> <p>15 maybe he signed off physically. I don't</p> <p>16 remember how the final sign-off was, but it</p> <p>17 was --</p> <p>18 Q. So you're talking about the form of</p> <p>19 his signing off on your final Title IX report</p> <p>20 related to this investigation?</p> <p>21 A. I think I had a line that he would</p> <p>22 sign off on that would be typical of my reports.</p> <p>23 But to be honest with you, I don't remember the</p> <p>24 exact form of it.</p>	<p style="text-align: right;">97</p> <p>1 signed written statements by the students that</p> <p>2 you interviewed were given to you via email or</p> <p>3 dropped off at your office; is that right?</p> <p>4 A. Yes, that's correct.</p> <p>5 Q. Which students emailed you copies of</p> <p>6 their signed statements?</p> <p>7 A. I don't recall. It would have been</p> <p>8 one or the other, signed or dropped off.</p> <p>9 Q. But you don't know what students</p> <p>10 emailed you copies of their signed statements?</p> <p>11 A. No, I don't.</p> <p>12 Q. Do you know what students dropped off</p> <p>13 copies of the signed statements?</p> <p>14 A. No, I don't recall.</p> <p>15 Q. When a student -- if a student</p> <p>16 involved in this case dropped them off in your</p> <p>17 office, what would you have done with them?</p> <p>18 A. I'm sure I would have scanned it and</p> <p>19 put it in the file in my computer and then</p> <p>20 printed it with the final report and then put</p> <p>21 the actual copy in the hardcopy file.</p> <p>22 Q. Did you have an electronic file</p> <p>23 related to this Title IX investigation?</p> <p>24 A. Most likely I did.</p>

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26 (Pages 98 to 101)

<p style="text-align: right;">98</p> <p>1 Q. Do you know for sure that you had an 2 electronic file related to this investigation? 3 A. I would have had a file on my computer 4 related to this investigation, yes. 5 Q. Do you know that you had an 6 electronic file on your computer related to 7 this investigation? 8 A. Yes, because I would have saved my 9 final report to the -- as a Word document on my 10 computer, yeah. 11 Q. Is the only basis for your testimony 12 that you had an electronic file that you would 13 have normally saved records there? 14 A. Yeah. 15 Q. So you don't have a specific memory 16 of your electronic file related to this 17 Title IX investigation? 18 A. Every investigation I did I would have 19 had an individual file on my computer. 20 Q. Do you have a specific memory of an 21 electronic file related to this Title IX 22 investigation concerning -- 23 A. Yes. 24 Q. (Continuing.) -- Marquis Dixon.</p>	<p style="text-align: right;">100</p> <p>1 on my desktop. I'm not really sure what the 2 network was like or what IT was like because IT 3 was constantly changing, so just everything was 4 kept on my laptop. 5 Q. Was the electronic file related to 6 this Title IX investigation saved to your 7 desktop or was it saved to a Benedictine 8 server? 9 A. I don't recall. 10 Q. Who had access to your electronic 11 file on this Title IX investigation? 12 A. Nancy would have if it was to the 13 server. I believe it was. But Nancy would have 14 had access to it. She would have been the only 15 other one. 16 Q. Did you ever email anyone a copy of 17 your electronic file? 18 A. I did. Whenever I issued a report, 19 I'd email it to Nancy first for approval, and 20 then I'd email it to Marco and then I'd email it 21 to the president. 22 Q. Did Nancy sign off on your final 23 Title IX report related to this Title IX 24 investigation of Marquis Dixon?</p>
<p style="text-align: right;">99</p> <p>1 A. Yes. 2 Q. Okay. What was in the file? 3 A. It would have been my typewritten 4 summaries of all of the interviews and then the 5 final report. And any other documents related 6 to it I would have saved on there. 7 Q. Do you know for sure that you saved 8 those documents -- 9 A. Yes. 10 Q. (Continuing.) -- to the electronic 11 file? 12 About how many documents did you 13 save -- 14 A. Yes. 15 Q. (Continuing.) -- to your electronic 16 file? 17 A. I don't recall the number. 18 Q. Where would that electronic file have 19 gone once you completed your Title IX 20 investigation? 21 A. So I had a laptop that I used in my 22 office and I'd put it like -- I used it as a 23 desktop. And I'd put it on my desktop wherever 24 I got to the office. And just everything stayed</p>	<p style="text-align: right;">101</p> <p>1 A. Yes, she would have. 2 Q. Did she sign off on it? 3 A. Yes. 4 Q. Did Marco Masini sign off on your 5 final Title IX report related to Marquis 6 Dixon? 7 A. Yes. 8 Q. And when I say sign off, does that 9 mean he put his signature on the report? 10 A. Again, I forget how the formatting of 11 my reports were, but it would have either been 12 in a written form saying, yes, I approve this, 13 or he would have signed physically. 14 I don't remember how he did that, 15 but it would have -- I made sure that I had 16 everything in writing. 17 Q. Do you know if Marco Masini signed 18 the actual copy of the final Title IX report? 19 A. Again, I don't remember the exact form 20 of how I did my reports, but I believe so. And 21 if he didn't physically sign, he sent me an 22 email saying I approve, so. 23 Q. So you don't know whether he put his 24 signature on the final --</p>

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27 (Pages 102 to 105)

<p style="text-align: right;">102</p> <p>1 A. I don't.</p> <p>2 Q. (Continuing.) -- Title IX report?</p> <p>3 A. I don't remember.</p> <p>4 Q. And you don't know whether he emailed</p> <p>5 you his sign off on the final Title IX report;</p> <p>6 right?</p> <p>7 A. I would have had an email from him,</p> <p>8 though. Like even if he signed it, he would</p> <p>9 have sent me it via email.</p> <p>10 Q. Okay. Did the president put a</p> <p>11 physical signature on the final Title IX</p> <p>12 report?</p> <p>13 A. Yes.</p> <p>14 Q. Would he have emailed you to sign off</p> <p>15 on the final Title IX report?</p> <p>16 A. Yeah, I would have emailed to him that</p> <p>17 he had to sign off on it and send it back.</p> <p>18 Q. Okay. Do you know that he emailed</p> <p>19 you his sign off on the final Title IX report?</p> <p>20 A. Yes.</p> <p>21 Q. Was the final -- was there one final</p> <p>22 Title IX report or were there multiple final</p> <p>23 Title IX reports related to Marquis Dixon?</p> <p>24 A. One.</p>	<p style="text-align: right;">104</p> <p>1 A. I'm sorry, can you repeat that?</p> <p>2 Q. Do you know if your final Title IX</p> <p>3 report listed the documents you reviewed as</p> <p>4 part of your Title IX investigation?</p> <p>5 A. Yeah, I would have listed those.</p> <p>6 Q. Do you know for sure that the</p> <p>7 Title IX report listed the documents --</p> <p>8 A. Yes.</p> <p>9 Q. (Continuing.) -- that you reviewed --</p> <p>10 let me ask my full question.</p> <p>11 Do you know for certain that your</p> <p>12 final Title IX report listed all of the</p> <p>13 documents you considered as part of your</p> <p>14 Title IX investigation?</p> <p>15 A. Yes.</p> <p>16 Q. As specifically as you can, what</p> <p>17 documents did you review as part of your</p> <p>18 Title IX investigation?</p> <p>19 A. I don't recall. It would have been</p> <p>20 witness interviews, a summary. I don't recall</p> <p>21 what else I reviewed.</p> <p>22 Q. Do you know that you reviewed witness</p> <p>23 interviews as part of your final Title IX</p> <p>24 report?</p>
<p style="text-align: right;">103</p> <p>1 Q. Was the Title IX report one document</p> <p>2 or did it consist of multiple documents?</p> <p>3 A. Like I said, it was the summary of the</p> <p>4 investigation, the summary of all the</p> <p>5 interviews, and then my -- my recommendation and</p> <p>6 signatures of all those involved.</p> <p>7 So it was comprised of one actual</p> <p>8 report, but multiple topics in it.</p> <p>9 Q. Were there any attachments to the</p> <p>10 final Title IX report about Marquis Dixon?</p> <p>11 A. That's everything that was in it so</p> <p>12 that's all I recall. I don't know if there was</p> <p>13 police reports. I don't -- I believe there was</p> <p>14 police reports. I'm not sure. If there were</p> <p>15 police reports, they would be attached to it as</p> <p>16 well. Any related documents would be attached.</p> <p>17 Q. Do you know if any documents were</p> <p>18 attached to the final Title IX report related</p> <p>19 to Marquis Dixon?</p> <p>20 A. I don't know.</p> <p>21 Q. Do you know if your final Title IX</p> <p>22 report related to Marquis Dixon listed the</p> <p>23 documents you considered in your</p> <p>24 investigation?</p>	<p style="text-align: right;">105</p> <p>1 A. Yes.</p> <p>2 Q. Do you know that -- well, let me</p> <p>3 strike that.</p> <p>4 What else did you review as part</p> <p>5 of your Title IX investigation related to</p> <p>6 Marquis Dixon?</p> <p>7 A. I don't recall what else I reviewed.</p> <p>8 Q. Okay. How many pages was your final</p> <p>9 Title IX report related to Marquis Dixon?</p> <p>10 A. I don't recall.</p> <p>11 Q. Was it one page?</p> <p>12 A. I don't recall. I'm assuming it was</p> <p>13 more than one because there was so many</p> <p>14 interviews.</p> <p>15 Q. But you don't know whether it was</p> <p>16 more than one page?</p> <p>17 A. No, I don't.</p> <p>18 Q. Did the final Title IX report related</p> <p>19 to Marquis Dixon have multiple sections?</p> <p>20 A. Multiple sections, you mean like</p> <p>21 multiple -- can you rephrase that?</p> <p>22 Q. What was the format of your final</p> <p>23 Title IX report? How was it structured?</p> <p>24 A. So like I said, the report is the</p>

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<p style="text-align: right;">106</p> <p>1 summary, it was interviews, it was -- if there's</p> <p>2 a police report involved, that was included.</p> <p>3 And that was my investigation.</p> <p>4 Q. Do you know that your recommendations</p> <p>5 were included in the final Title IX report?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know if there was a police</p> <p>8 report included in the final Title IX report?</p> <p>9 A. I don't know.</p> <p>10 Q. I think you mentioned that there was</p> <p>11 a summary.</p> <p>12 Is that a section that was</p> <p>13 involved in your Title IX report?</p> <p>14 A. Yes.</p> <p>15 Q. What did the summary in your final</p> <p>16 Title IX report say?</p> <p>17 A. I don't recall.</p> <p>18 Q. What was the next section after the</p> <p>19 summary in your final Title IX report?</p> <p>20 A. It would be summary, interviews, and</p> <p>21 then any associated documents, and then my</p> <p>22 recommendations.</p> <p>23 Q. How many interview notes were</p> <p>24 included in your final Title IX report?</p>	<p style="text-align: right;">108</p> <p>1 handwritten notes in advance of this</p> <p>2 deposition?</p> <p>3 A. Carter had sent it to me.</p> <p>4 Q. So you didn't maintain those</p> <p>5 personally in a file; is that right?</p> <p>6 A. That's correct.</p> <p>7 Q. Is there any reason you can think of</p> <p>8 why Benedictine would have your handwritten</p> <p>9 notes but wouldn't have your final Title IX</p> <p>10 report?</p> <p>11 (Technical interruption.)</p> <p>12 MS. GALKA: We're ready and, Carla, we</p> <p>13 can go back on. And would you please read back</p> <p>14 the last question.</p> <p>15 (Whereupon said record was read</p> <p>16 back as follows: "Is there any</p> <p>17 reason you can think of why</p> <p>18 Benedictine would have your</p> <p>19 handwritten notes but wouldn't</p> <p>20 have your final Title IX</p> <p>21 report?")</p> <p>22 BY THE WITNESS:</p> <p>23 A. No.</p> <p>24 BY MS. GALKA:</p>
<p style="text-align: right;">107</p> <p>1 A. I don't recall. All I have is the</p> <p>2 handwritten notes so I don't recall.</p> <p>3 Q. Do you know for sure that there was a</p> <p>4 section summarizing interviews in your final</p> <p>5 Title IX report?</p> <p>6 A. Yes.</p> <p>7 Q. But you don't know how many</p> <p>8 interviews were summarized. Was there one</p> <p>9 interview summarized?</p> <p>10 A. I'm sure there was one.</p> <p>11 Q. Whose interview was it?</p> <p>12 A. It would have been the victim's and</p> <p>13 then the respondent and then any other</p> <p>14 witnesses. I don't know how many at this point.</p> <p>15 I don't recall.</p> <p>16 Q. How many victims were there involved</p> <p>17 in this Title IX report?</p> <p>18 A. I don't recall.</p> <p>19 Q. How many witnesses were there</p> <p>20 involved in your final Title IX report?</p> <p>21 A. All I have is my handwritten notes, so</p> <p>22 I'm not sure if that's everything. That's all I</p> <p>23 had to review.</p> <p>24 Q. How did you receive a copy of your</p>	<p style="text-align: right;">109</p> <p>1 Q. Is there any reason you can think of</p> <p>2 that Benedictine would have your emails to</p> <p>3 Tecianna and Clare [REDACTED] and Marquis Dixon</p> <p>4 but wouldn't have your final Title IX report?</p> <p>5 A. No.</p> <p>6 Q. Is there any reason you can think of</p> <p>7 that Benedictine would have your emails that</p> <p>8 we looked at related to Tecianna and Clare and</p> <p>9 Marquis but wouldn't have any other of your</p> <p>10 emails related to this investigation?</p> <p>11 A. No.</p> <p>12 Q. With as much specificity as possible,</p> <p>13 please tell me what was contained in your</p> <p>14 final Title IX report related to Marquis</p> <p>15 Dixon?</p> <p>16 A. Again, what I would recall being in</p> <p>17 there is a summary of my investigation, which is</p> <p>18 the procedures that I went through during my</p> <p>19 investigation, summary of my findings, my</p> <p>20 witness -- summary of my witness interviews, if</p> <p>21 there are any police reports related to this or</p> <p>22 any other reports that were given to me, those</p> <p>23 would have been attached as well.</p> <p>24 Q. Are you sure that there was a summary</p>

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<p style="text-align: right;">110</p> <p>1 of your findings contained in the final</p> <p>2 Title IX report?</p> <p>3 A. Yes.</p> <p>4 Q. What was contained in your summary?</p> <p>5 A. I don't recall.</p> <p>6 Q. Please tell me everybody that you</p> <p>7 sent your final Title IX report concerning</p> <p>8 Marquis Dixon to?</p> <p>9 A. It would have been Nancy, Marco, and</p> <p>10 then president Brophy.</p> <p>11 Q. And did you send the final Title IX</p> <p>12 report to Nancy via email?</p> <p>13 A. Yes.</p> <p>14 Q. And did you send the final Title IX</p> <p>15 report to Marco via email?</p> <p>16 A. Yes.</p> <p>17 Q. And did you send the final Title IX</p> <p>18 report to the president via email?</p> <p>19 A. Yes. And then the two parties</p> <p>20 involved as well, whoever the complainant was</p> <p>21 and the respondent.</p> <p>22 Q. And the respondent was Marquis Dixon?</p> <p>23 A. Yes.</p> <p>24 Q. So you would have emailed Marquis</p>	<p style="text-align: right;">112</p> <p>1 head of political science, and she was very well</p> <p>2 distinguished at the university, very well</p> <p>3 respected.</p> <p>4 So I would have her come in to a</p> <p>5 number of interviews. I don't know if she was</p> <p>6 in on any of these, I don't recall, but she -- I</p> <p>7 know she took over for me after I left, so...</p> <p>8 Q. Did you have a co-investigator with</p> <p>9 respect to the Title IX investigation that you</p> <p>10 did related to Marquis Dixon?</p> <p>11 A. I don't recall, but if I did, it would</p> <p>12 have been her or Betsy, who was head of HR.</p> <p>13 Those were the two that I used.</p> <p>14 Q. If Betsy was your co-investigator,</p> <p>15 would you have emailed a copy of the final</p> <p>16 Title IX report to her?</p> <p>17 A. Yes.</p> <p>18 Q. And can you say her full name again?</p> <p>19 Betsy, what was it?</p> <p>20 A. It was like Betsy Rhineheart (as</p> <p>21 pronounced), I think. She was the head of HR.</p> <p>22 Q. So when --</p> <p>23 A. She --</p> <p>24 Q. I'm sorry. Go ahead.</p>
<p style="text-align: right;">111</p> <p>1 Dixon a copy of your final Title IX report?</p> <p>2 A. Yes.</p> <p>3 Q. And you would have emailed the</p> <p>4 complainant a copy of the Title IX report?</p> <p>5 A. Yes.</p> <p>6 Q. How many complainants were there with</p> <p>7 respect to this final Title IX report?</p> <p>8 A. I believe there was just one. I don't</p> <p>9 recall there being multiple.</p> <p>10 Q. Do you know that there was just one?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 A. I can't recall.</p> <p>14 Q. Do you know Dr. Tammy Sarver?</p> <p>15 A. Yes.</p> <p>16 Q. How do you know her?</p> <p>17 THE WITNESS: Sorry. Just one second.</p> <p>18 A. So she was -- she was on the</p> <p>19 Title IX -- oftentimes whenever I would do</p> <p>20 interviews, I would have another faculty member,</p> <p>21 especially when I did discipline hearings, I</p> <p>22 would have another faculty member in the room</p> <p>23 with me so it wasn't just me, and that I would</p> <p>24 typically pull Tammy Sarver in because she was</p>	<p style="text-align: right;">113</p> <p>1 A. She was -- she and I did a lot of the</p> <p>2 disciplinary hearings for employees, and then I</p> <p>3 used Tammy for a lot of the disciplinary</p> <p>4 hearings for students.</p> <p>5 Q. Do you know if Betsy Rhineheart is</p> <p>6 still at Benedictine?</p> <p>7 A. I don't know.</p> <p>8 Q. And if Tammy Sarver was your</p> <p>9 co-investigator, would you have sent her a</p> <p>10 copy of the final Title IX report?</p> <p>11 A. I believe so, yes.</p> <p>12 Q. And that would have been via email</p> <p>13 too; right?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know for sure that you had a</p> <p>16 co-investigator?</p> <p>17 A. I don't.</p> <p>18 Q. Okay. Do you recall specifically any</p> <p>19 Title IX investigations where Dr. Sarver was</p> <p>20 your co-investigator?</p> <p>21 A. I don't remember the specific names,</p> <p>22 but I remember having interviews with her in the</p> <p>23 room present and during an interview. I</p> <p>24 couldn't give you a name though.</p>